

KANSAS JUVENILE JUSTICE CODE

SECTION 9

CHAPER 75—STATE DEPARTMENTS; PUBLIC OFFICERS AD EMPLOYEES ARTICLE 70—JUVENILE JUSTICE AUTHORITY

Cross References to Related Sections:

Kansas juvenile correctional complex, see 76-3205.

KBI duty to investigate death of juvenile in custody of commissioner of juvenile justice, see 75-52,146.

75-7001. Juvenile justice authority; commissioner of juvenile justice; powers and duties. On January 1, 1997, the governor shall appoint a commissioner of juvenile justice. The commissioner may appoint staff assistants and employees as are necessary to enable the commissioner to carry out the transfer of powers, duties and functions of the department of social and rehabilitation services and the secretary of social and rehabilitation services concerning juvenile offenders to the juvenile justice authority and the commissioner of juvenile justice. On and after July 1, 1997, the commissioner of juvenile justice shall be responsible for the care, custody and control of juvenile offenders and shall be in charge of the juvenile justice authority. The juvenile justice authority shall:

(a) Control and manage the operation of the state juvenile correctional facilities;

(b) evaluate the rehabilitation of juveniles committed to the authority and prepare and submit periodic reports to the committing court for the purposes of:

(1) Evaluating the effectiveness of institutional treatment;

(2) making recommendations for release where appropriate, and recommending terms and conditions for release; and

(3) reviewing the placement of children and recommending alternative placements such as supervised release into the community, out-of-home placement, or community services work where appropriate with the approval of the court.

(c) consult with the schools and courts of this state on the development of programs for the reduction and prevention of delinquency and the treatment of juvenile offenders;

(d) cooperate with other agencies whose services deal with the care and treatment of juvenile offenders to the end that juvenile offenders may

wherever possible be assisted to a successful adjustment outside of institutional care;

(e) advise local, state and federal officials, public and private agencies, and lay groups on the needs for and possible methods of the reduction and prevention of delinquency, and the treatment of juvenile offenders;

(f) assemble and distribute information relating to delinquency and report on studies relating to community conditions which affect the problem of delinquency;

(g) assist any community within the state by conduct a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a community program for combating juvenile delinquency and crime, but no such survey shall be conducted unless local individuals and groups request it through their local authorities, and no such request shall be interpreted as binding the community to following the recommendations made as a result of the request; and

(h) be responsible for directing state moneys to providers in local communities of alternative placements such as supervised release into the community, out-of-home placement, community services work or other community-based service; provide assistance to such providers; and evaluate and monitor the performance of such providers relating to the provision of services.

History: L. 1995, ch. 259; § 4; L. 1996, ch. 229, § 132; July 1.

75-7002. Same; transfer of powers, duties and functions from SRS; successor thereto; rules and regulations; title to property. On and after July 1, 1997:

(a) Except as otherwise provided by this act, all of the powers, duties and functions of the department of social and rehabilitation services and the secretary of the department of social and rehabilitation services concerning juvenile offenders are hereby transferred to and conferred and imposed upon the juvenile justice authority and the commissioner of juvenile justice established by this act.

(b) Except as otherwise provided by this act, the juvenile justice authority and the commissioner of juvenile justice established by this act shall be the successor in every way to the powers, duties and functions of the department of social and rehabilitation services and the secretary of the department of social and rehabilitation services

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concerning juvenile offenders in which the same were vested prior to the effective date of this section. Every act performed in the exercise of such powers, duties and functions by or under the authority of the juvenile justice authority or the commissioner of juvenile justice concerning juvenile offenders established by this act shall be deemed to have the same force and effect as if performed by the department of social and rehabilitation services or the secretary of the department of social and rehabilitation services, respectively, in which such powers, duties and functions were vested prior to the effective date of this section.

(c) Except as otherwise provided by this act, whenever the department of social and rehabilitation services, or words of like effect concerning juvenile offenders, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the juvenile justice authority established by this act.

(d) Except as otherwise provided by this act, whenever the secretary of the department of social and rehabilitation services, or words of like effect concerning juvenile offenders, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the commissioner of juvenile justice established by this act.

(e) All rules and regulations of the department of social and rehabilitation services or the secretary of the department of social and rehabilitation services concerning juvenile offenders in existence on the effective date of this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the commissioner of juvenile justice established by this act until revised, amended, revoked or nullified pursuant to law.

(f) All orders and directives of the department of social and rehabilitation services or the secretary of the department of social and rehabilitation services concerning juvenile offenders in existence on the effective date of this section shall continue to be effective and shall be deemed to be orders and directives of the juvenile justice authority established by this act until revised, amended or nullified pursuant to law.

(g) On the effective date of this section, the juvenile justice authority established by this act shall succeed to whatever right, title or interest the department of social and rehabilitation services has acquired in any real property in this state concerning

juvenile offenders, and the authority shall hold the same for and in the name of the state of Kansas. On and after the effective date of this section, whenever any statute, contract, deed or other document concerns the power or authority of the department of social and rehabilitation services or the secretary of the department of social and rehabilitation services concerning juvenile offenders to acquire, hold or dispose of real property or any interest therein, the juvenile justice authority as established by this act shall succeed to such power or authority.

(h) The juvenile justice authority and the commissioner of juvenile justice established by this act shall be continuations of the department of social and rehabilitation services and the secretary of the department of social and rehabilitation services concerning juvenile offenders.

History: L. 1995, ch. 259, § 5; L. 1996, ch. 54, § 1; July 1.

Revisor's Note:

Section was also amended by L. 1996, ch. 229, § 133, but that version was repealed by L. 1996, ch. 242, § 1; July 1.

75-7003. Same; officers and employees in SRS concerning juvenile offenders transferred; benefits and rights. Except as otherwise provided in this act, on July 1, 1997, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the department of social and rehabilitation services concerning juvenile offenders which are transferred by this act, or who become a part of the juvenile justice authority, or the powers, duties and functions of which are transferred to the juvenile justice authority, and who, in the opinion of the commissioner of juvenile justice, are necessary to perform the powers, duties and functions of the juvenile justice authority, shall be transferred to, and shall become officers and employees of the juvenile justice authority established under this act. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this section. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

History: L. 1995, ch. 259, § 6; May 25.

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75-7004. Same; conflicts as to power, function or duty to be resolved by governor. On and after July 1, 1997:

(a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The juvenile justice authority shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the juvenile justice authority. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

History: L. 1995, ch. 259, § 7; May 25.

75-7005. Same; legal custody of records transferred; no abatement of suits, actions or proceedings. On and after July 1, 1997:

(a) The juvenile justice authority shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the department of social and rehabilitation services concerning juvenile offenders and any agency or office transferred thereto under this act.

(b) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this act, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

History: L. 1995, ch. 259, § 8; May 25.

75-7006. Same; balance of funds and liabilities transferred. (a) On and after July 1, 1997, the balance of all funds appropriated and reappropriated

to the department of social and rehabilitation services concerning juvenile offenders is hereby transferred to the juvenile justice authority and shall be used only for the purpose for which the appropriation was originally made.

(b) On and after July 1, 1997, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the department of social and rehabilitation services concerning juveniles, or who become a part of the juvenile justice authority established by this act, or the powers, duties and functions of which are transferred to the juvenile justice authority provided for by this act, shall be assumed and paid by the juvenile justice authority established by this act.

History: L. 1995, ch. 259, § 9; May 25.

75-7007. Kansas advisory group on juvenile justice and delinquency prevention; membership; compensation; functions; reduction of biases in juvenile justice system. (a) There is hereby established the Kansas advisory group on juvenile justice and delinquency prevention, for the purposes of the federal juvenile justice and delinquency prevention act of 1974, as amended.

(b) The membership of the Kansas advisory group on juvenile justice and delinquency prevention shall be composed of members appointed by the governor. The governor shall appoint at least 20 but not more than 33 members to the advisory group. The members shall serve at the pleasure of the governor. One-third of the members shall be appointed to four-year terms; one-third of the members shall be appointed to three-year terms; and one-third of the members shall be appointed to two-year terms. Thereafter, all members shall serve four-year terms.

(c) The chairperson and vice-chairperson of the advisory group shall be appointed by the governor.

(d) Each member of the advisory group shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto.

(e) The advisory group shall participate in the development and review of the juvenile justice plan, review and comment on all juvenile justice and delinquency prevention grant applications, and shall make recommendations regarding the grant applications.

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(f) The advisory group shall receive reports from local citizen review boards established pursuant to K.S.A. 38-1812, and amendments thereto, regarding the status of juvenile offenders under the supervision of the district courts.

(g) The advisory group shall examine the effectiveness of juvenile justice programs in reducing racial, geographic and other biases that may exist in the juvenile justice system, and report to the commissioner of juvenile justice annually on which programs are effective in reducing such biases in areas such as prevention, alternatives to detention, intake and assessment procedures and alternatives to incarceration.

History: L. 1995, ch. 259, § 10; L. 1997, ch. 156, § 94; L. 1999, ch. 156, § 22; L. 2006, ch. 163, § 1; July 1.

75-7008, 75-7009. History: L. 1995, ch. 259 §§ 1, 2; L. 1996, ch. 229, §§ 134, 135; L. 1997, ch. 156, §§ 95, 96; Repealed, L. 1999, ch. 156, § 29, May 27.

75-7010. History: L. 1995, ch. 259, § 3; Repealed, L. 1997, ch. 156, § 115; July 1.

75-7011. Same; severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

History: L. 1995, ch. 259, § 11; May 25.

75-7012. Same, abolishment; transfer of powers, duties and functions to the Kansas advisory group on juvenile justice and delinquency prevention. (a) The Kansas youth authority established by K.S.A. 75-7008 prior to amendment by this act hereby is abolished.

(b) All of the powers, duties and functions of the Kansas youth authority are hereby transferred to and conferred and imposed upon the Kansas advisory group on juvenile justice and delinquency prevention.

(c) The Kansas advisory group on juvenile justice and delinquency prevention shall be the successor in every way to the powers, duties and functions of the Kansas youth authority in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas advisory group on juvenile justice and

delinquency prevention shall be deemed to have the same force and effect as if performed by the Kansas youth authority in which such powers, duties and functions were vested prior to the effective date of this act.

(e) Whenever the Kansas youth authority is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas advisory group on juvenile justice and delinquency prevention.

(f) All of the records, memoranda, writings and property of the Kansas youth authority shall be and hereby are transferred to the Kansas advisory group on juvenile justice and delinquency prevention and such advisory group shall have legal custody of the same.

History: L. 1999, ch. 156, § 1, May 27.

75-7013 to 75-7020. Reserved.

75-7021. Kansas juvenile delinquency prevention trust fund; expenditures; grant criteria. (a) There is hereby created in the state treasury the Kansas juvenile delinquency prevention trust fund. Money credited to the Kansas juvenile delinquency prevention trust fund pursuant to K.S.A. 20-367, and amendments thereto, or by any other lawful means shall be used solely for the purpose of making grants to further the purpose of juvenile justice reform, including rational prevention programs and programs for treatment and rehabilitation of juveniles and to further the partnership between state and local communities. Such treatment and rehabilitation programs should aim to combine accountability and sanctions with increasingly intensive treatment and rehabilitation services with an aim to provide greater public safety and provide intervention that will be uniform and consistent.

(b) All expenditures from the Kansas juvenile delinquency prevention trust fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(c) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the Kansas juvenile delinquency prevention trust fund may be expended. Upon receipt of any such money, the

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commissioner shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas juvenile delinquency prevention trust fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas advisory group on juvenile justice and delinquency prevention in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the Kansas advisory group on juvenile justice and delinquency prevention.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas juvenile delinquency prevention trust fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas juvenile delinquency prevention trust fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) On and after the effective date of this act, the Kansas endowment for youth trust fund created by this section prior to amendment by this act is hereby redesignated as the Kansas juvenile delinquency prevention trust fund. On and after the effective date of this act, whenever the Kansas endowment for youth trust fund created by this section prior to amendment by this act, or words of like effect, is referred to or designated by a statute, contract or other document such reference or designation shall be deemed to apply to the Kansas juvenile delinquency prevention trust fund.

History: L. 1996, ch. 234, § 18; L. 1997, ch. 156, § 97; L. 1999, ch. 156, § 23; L. 2000, ch. 159, § 13; L. 2001, ch. 5, § 410; July 1.

Revisor's Note:

Section was amended twice in 1999 session, see also 75-7021a.

75-7021a. History: L. 1996, ch. 234, § 18; L. 1997, ch. 156, § 97; L. 1999, ch. 172, § 9; Repealed, L. 2000, ch. 159, § 14; July 1.

75-7022. Citation. This act shall be known and may be cited as the juvenile justice reform act of 1996.

History: L. 1996, ch. 229, § 1; July 1.

Law Review and Bar Journal References:

"The Immunity Provisions of the Kansas Tort Claims Act: The First Twenty-Five Years," William E. Westerbeke, 52 K.L.R. 939 (2004).

Attorney General's Opinions:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7023. Juvenile intake and assessment system; confidentiality of records; information collected; dispositional alternatives; custody of child; conditions of release. [See Revisor's Note]

(a) The supreme court through administrative orders shall provide for the establishment of a juvenile intake and assessment system and for the establishment and operation of juvenile intake and assessment programs in each judicial district. On and after July 1, 1997, the secretary of social and rehabilitation services may contract with the commissioner of juvenile justice to provide for the juvenile intake and assessment system and programs for children in need of care. Except as provided further, on and after July 1, 1997, the commissioner of juvenile justice shall promulgate rules and regulations for the juvenile intake and assessment system and programs concerning juvenile offenders. If the commissioner contracts with the office of judicial administration to administer the juvenile intake and assessment system and programs concerning juvenile offenders, the supreme court administrative orders shall be in force until such contract ends and the rules and regulations concerning juvenile intake and assessment system and programs concerning juvenile offenders have been adopted.

(b) No records, reports and information obtained as a part of the juvenile intake and assessment process may be admitted into evidence in any proceeding and may not be used in a child in need of care proceeding except for diagnostic and referral purposes and by the court in considering dispositional alternatives. However, if the records, reports or information are in regard to abuse or neglect, which is required to be reported under K.S.A. 38-1522, and amendments thereto, such records, reports or information may then be used for any purpose in a child in need of care proceeding pursuant to the Kansas code for care of children.

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(c) Upon a juvenile being taken into custody pursuant to K.S.A. 2006 Supp. 38-2330, and amendments thereto, a juvenile intake and assessment worker shall complete the intake and assessment process as required by supreme court administrative order or district court rule prior to July 1, 1997, or except as provided above rules and regulations established by the commissioner of juvenile justice on and after July 1, 1997.

(d) Except as provided in subsection (g) and in addition to any other information required by the supreme court administrative order, the secretary, the commissioner or by the district court of such district, the juvenile intake and assessment worker shall collect the following information:

(1) A standardized risk assessment tool, such as the problem oriented screening instrument for teens;

(2) criminal history, including indications of criminal gang involvement;

(3) abuse history;

(4) substance abuse history;

(5) history of prior community services used or treatments provided;

(6) educational history;

(7) medical history; and

(8) family history.

(e) After completion of the intake and assessment process for such child, the intake and assessment worker may:

(1) Release the child to the custody of the child's parent, other legal guardian or another appropriate adult if the intake and assessment worker believes that it would be in the best interest of the child and it would not be harmful to the child to do so.

(2) Conditionally release the child to the child's parent, other legal guardian or another appropriate adult if the intake and assessment worker believes that if the conditions are met, it would be in the child's best interest to release the child to such child's parent, other legal guardian or another appropriate adult; and the intake and assessment worker has reason to believe that it might be harmful to the child to release the child to such child's parents, other legal guardian or another appropriate adult without imposing the conditions. The conditions may include, but not be limited to:

(A) Participation of the child in counseling;

(B) participation of members of the child's family in counseling;

(C) participation by the child, members of the child's family and other relevant persons in mediation;

(D) provision of inpatient treatment for the child;

(E) referral of the child and the child's family to the secretary of social and rehabilitation services for services and the agreement of the child and family to accept and participate in the services offered;

(F) referral of the child and the child's family to available community resources or services and the agreement of the child and family to accept and participate in the services offered;

(G) requiring the child and members of the child's family to enter into a behavioral contract which may provide for regular school attendance among other requirements; or

(H) any special conditions necessary to protect the child from future abuse or neglect.

(3) Deliver the child to a shelter facility or a licensed attendant care center along with the law enforcement officer's written application. The shelter facility or licensed attendant care facility shall then have custody as if the child had been directly delivered to the facility by the law enforcement officer pursuant to K.S.A. 38-1528, and amendments thereto.

(4) Refer the child to the county or district attorney for appropriate proceedings to be filed or refer the child and family to the secretary of social and rehabilitation services for investigations in regard to the allegations.

(5) Make recommendations to the county or district attorney concerning immediate intervention programs which may be beneficial to the juvenile.

(f) The commissioner may adopt rules and regulations which allow local juvenile intake and assessment programs to create a risk assessment tool, as long as such tool meets the mandatory reporting requirements established by the commissioner.

(g) Parents, guardians and juveniles may access the juvenile intake and assessment programs on a voluntary basis. The parent or guardian shall be responsible for the costs of any such program utilized.

History: L. 1996, ch. 229, § 7; L. 1997, ch. 156, § 98; L. 1999, ch. 156, § 24; L. 2006, ch. 169, § 128; Jan. 1, 2007.

Revisor's Note:

Section was amended twice in 2006 session, see also 75-7023a.

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Attorney General's Opinions:

Juvenile intake and assessment system; urinalysis drug screening. 1999-20.

Juvenile intake process, use of POSIT questionnaire. 2001-53.

(Effective 07/01/07, see HB 2599, sec. 43)

75-7023a. Juvenile intake and assessment system; confidentiality of records; information collected; dispositional alternatives; custody of child; conditions of release. [See Revisor's Note]

(a) The supreme court through administrative orders shall provide for the establishment of a juvenile intake and assessment system and for the establishment and operation of juvenile intake and assessment programs in each judicial district. On and after July 1, 1997, the secretary of social and rehabilitation services may contract with the commissioner of juvenile justice to provide for the juvenile intake and assessment system and programs for children in need of care. Except as provided further, on and after July 1, 1997, the commissioner of juvenile justice shall promulgate rules and regulations for the juvenile intake and assessment system and programs concerning juvenile offenders. If the commissioner contracts with the office of judicial administration to administer the juvenile intake and assessment system and programs concerning juvenile offenders, the supreme court administrative orders shall be in force until such contract ends and the rules and regulations concerning juvenile intake and assessment system and programs concerning juvenile offenders have been adopted.

(b) No records, reports and information obtained as a part of the juvenile intake and assessment process may be admitted into evidence in any proceeding and may not be used in a child in need of care proceeding except for diagnostic and referral purposes and by the court in considering dispositional alternatives. However, if the records, reports or information are in regard to abuse or neglect, which is required to be reported under K.S.A. 2006 Supp. 38-2223, and amendments thereto, such records, reports or information may then be used for any purpose in a child in need of care proceeding pursuant to the revised Kansas code for care of children.

(c) Upon a juvenile being taken into custody pursuant to K.S.A. 38-1624, and amendments thereto, a juvenile intake and assessment worker shall complete the intake and assessment process as required by supreme court administrative order or

district court rule prior to July 1, 1997, or except as provided above rules and regulations established by the commissioner of juvenile justice on and after July 1, 1997.

(d) Except as provided in subsection (g) and in addition to any other information required by the supreme court administrative order, the secretary, the commissioner or by the district court of such district, the juvenile intake and assessment worker shall collect the following information:

- (1) A standardized risk assessment tool, such as the problem oriented screening instrument for teens;
- (2) criminal history, including indications of criminal gang involvement;
- (3) abuse history;
- (4) substance abuse history;
- (5) history of prior community services used or treatments provided;
- (6) educational history;
- (7) medical history; and
- (8) family history.

(e) After completion of the intake and assessment process for such child, the intake and assessment worker may:

(1) Release the child to the custody of the child's parent, other legal guardian or another appropriate adult if the intake and assessment worker believes that it would be in the best interest of the child and it would not be harmful to the child to do so.

(2) Conditionally release the child to the child's parent, other legal guardian or another appropriate adult if the intake and assessment worker believes that if the conditions are met, it would be in the child's best interest to release the child to such child's parent, other legal guardian or another appropriate adult; and the intake and assessment worker has reason to believe that it might be harmful to the child to release the child to such child's parents, other legal guardian or another appropriate adult without imposing the conditions. The conditions may include, but not be limited to:

- (A) Participation of the child in counseling;
- (B) participation of members of the child's family in counseling;
- (C) participation by the child, members of the child's family and other relevant persons in mediation;
- (D) provision of inpatient treatment for the child;
- (E) referral of the child and the child's family to the secretary of social and rehabilitation services for

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services and the agreement of the child and family to accept and participate in the services offered;

(F) referral of the child and the child's family to available community resources or services and the agreement of the child and family to accept and participate in the services offered;

(G) requiring the child and members of the child's family to enter into a behavioral contract which may provide for regular school attendance among other requirements; or

(H) any special conditions necessary to protect the child from future abuse or neglect.

(3) Deliver the child to a shelter facility or a licensed attendant care center along with the law enforcement officer's written application. The shelter facility or licensed attendant care facility shall then have custody as if the child had been directly delivered to the facility by the law enforcement officer pursuant to K.S.A. 2006 Supp. 38-2232, and amendments thereto.

(4) Refer the child to the county or district attorney for appropriate proceedings to be filed or refer the child and family to the secretary of social and rehabilitation services for investigations in regard to the allegations.

(5) Make recommendations to the county or district attorney concerning immediate intervention programs which may be beneficial to the juvenile.

(f) The commissioner may adopt rules and regulations which allow local juvenile intake and assessment programs to create a risk assessment tool, as long as such tool meets the mandatory reporting requirements established by the commissioner.

(g) Parents, guardians and juveniles may access the juvenile intake and assessment programs on a voluntary basis. The parent or guardian shall be responsible for the costs of any such program utilized.

History: L. 1996, ch. 229, § 7; L. 1997, ch. 156, § 98; L. 1999, ch. 156, § 24; L. 2006, ch. 200, § 117; Jan. 1, 2007.

Revisor's Note:

Section was amended twice in 2006 session, see also 75-7023.

75-7024. Commissioner of juvenile justice; powers and duties. In addition to other powers and duties provided by law, in administering the provisions of the revised Kansas juvenile justice code, the commissioner of juvenile justice shall:

(a) Establish divisions which include the following functions in the juvenile justice authority:

(1) Operations. The commissioner shall operate the juvenile intake and assessment system as it relates to the juvenile offender; provide technical assistance and help facilitate community collaboration; license juvenile correctional facilities, programs and providers; assist in coordinating a statewide system of community based service providers; establish pilot projects for community based service providers; and operate the juvenile correctional facilities.

(2) Research and prevention. The commissioner shall generate, analyze and utilize data to review existing programs and identify effective prevention programs; to develop new program initiatives and restructure existing programs; and to assist communities in risk assessment and effective resource utilization.

(3) Contracts. The commissioner shall secure the services of direct providers by contracting with such providers, which may include nonprofit, private or public agencies, to provide functions and services needed to operate the juvenile justice authority. The commissioner shall contract with local service providers, when available, to provide twenty-four-hour-a-day intake and assessment services. Nothing provided for herein shall prohibit local municipalities, through interlocal agreements, from corroborating with and participating in the intake and assessment services established in K.S.A. 75-7023, and amendments thereto. All contracts entered into by the commissioner to secure the services of direct providers shall contain a clause allowing the inspector general unlimited access to such facility, records or personnel pursuant to subsection (a)(4)(B).

(4) Performance audit. (A) The commissioner randomly shall audit contracts to determine that service providers are performing as required pursuant to the contract.

(B) Within the division conducting performance audits, the commissioner shall designate a staff person to serve in the capacity of inspector general. Such inspector general, or such inspector general's designee, shall have the authority to: (i) Enforce compliance with all contracts; (ii) perform audits as necessary to ensure compliance with the contracts. The inspector general shall have unlimited access to any and all facilities, records or personnel of any provider that has contracted with the commissioner to determine that such provider is in compliance with the contracts; and (iii) establish a statewide

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juvenile justice hotline to respond to any complaints or concerns that have been received concerning juvenile justice.

(b) Adopt rules and regulations necessary for the administration of this act.

(c) Administer all state and federal funds appropriated to the juvenile justice authority and may coordinate with any other agency within the executive branch expending funds appropriated for juvenile justice.

(d) Administer the development and implementation of a juvenile justice information system.

(e) Administer the transition to and implementation of juvenile justice system reforms.

(f) Coordinate with the judicial branch of state government any duties and functions which effect the juvenile justice authority.

(g) Serve as a resource to the legislature and other state policymakers.

(h) Make and enter into all contracts and agreements and do all other acts and things necessary or incidental to the performance of functions and duties and the execution of powers under this act. The commissioner may enter into memorandums of agreement or contractual relationships with state agencies, other governmental entities or private providers as necessary to carry out the commissioner's responsibilities pursuant to the revised Kansas juvenile justice code.

(i) Accept custody of juvenile offenders so placed by the court.

(j) Assign juvenile offenders placed in the commissioner's custody to juvenile correctional facilities based on information collected by the reception and diagnostic evaluation, intake and assessment report, pursuant to K.S.A. 75-7023, and amendments thereto, and the predispositional investigation report, pursuant to K.S.A. 2006 Supp. 38-2360, and amendments thereto.

(k) Establish and utilize a reception and diagnostic evaluation for all juvenile offenders to be evaluated prior to placement in a juvenile correctional facility.

(l) Assist the judicial districts in establishing community based placement options, juvenile community correctional services and aftercare transition services for juvenile offenders.

(m) Review, evaluate and restructure the programmatic mission and goals of the juvenile correctional facilities to accommodate greater specialization for each facility.

(n) Adopt rules and regulations as are necessary to encourage the sharing of information between individuals and agencies who are involved with the juvenile.

(o) Designate in each judicial district an entity which shall be responsible for juvenile justice field services not provided by court services officers in the judicial district. The commissioner shall contract with such entity and provide grants to fund such field services.

(p) Monitor placement trends and minority confinement.

(q) Develop and submit to the joint committee on corrections and juvenile justice oversight a recommendation to provide for the financial viability of the Kansas juvenile justice system. Such recommendation shall include a formula for the allocation of state funds to community programs and a rationale in support of the recommendation. The commissioner shall avoid pursuing construction or expansion of state institutional capacity when appropriate alternatives to such placements are justified. The commissioner's recommendations shall identify a revenue source sufficient to appropriately fund expenditures anticipated to be incurred subsequent to expansion of community-based capacity and necessary to finance recommended capital projects.

(r) Report monthly to the joint committee on corrections and juvenile justice oversight. The commissioner shall review with the committee any contracts or memorandums of agreement with other state agencies prior to the termination of such agreements or contracts.

(s) Have the authority to designate all or a portion of a facility for juveniles under the commissioner's jurisdiction as a:

(1) Nonsecure detention facility;

(2) facility for the educational or vocational training and related services;

(3) facility for temporary placement pending other arrangements more appropriate for the juvenile's needs; and

(4) facility for the provision of care and other services and not for the detention of juveniles.

(t) After June 30, 2002, subject to appropriation acts, implement a program to make grants for the juvenile justice programs, pursuant to K.S.A. 75-7033, and amendments thereto, on a two-year funding cycle.

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History: L. 1996, ch. 229, § 3; L. 1997, ch. 156, § 99; L. 1998, ch. 187, § 16; L. 1999, ch. 156, § 25; L. 2001, ch. 123, § 1; L. 2006, ch. 169, § 129; Jan. 1, 2007.

Law Review and Bar Journal References:

“The Immunity Provisions in the Kansas Tort Claims Act: The First Twenty-Five Years,” William E. Westerbeke, 52 K.L.R. 939 (2004).

Attorney General’s Opinions:

Juvenile intake and assessment system; urinalysis drug screening. 1999-20.

(Effective 07/01/07, see HB 2599, sec. 44)

75-7025. Regional youth care and rehabilitation facilities; establishment; purpose; staff; rules and regulations. [See Revisor’s Note] On and after July 1, 1997:

(a) The commissioner of juvenile justice may establish, maintain and improve throughout the state, within the limits of funds appropriated therefor and any grants or funds received from federal agencies and other sources, regional youth care, evaluation and rehabilitation facilities, not to exceed 10 in number, for the purpose of: (1) Providing local authorities with facilities for the detention and rehabilitation of juvenile offenders, including, but not limited to juvenile offenders who are 16 and 17 years of age; (2) providing local authorities with facilities for the temporary shelter and detention of juveniles pending any examination or study to be made of the juveniles or prior to the disposition of such juveniles pursuant to the Kansas code for care of children or the revised Kansas juvenile justice code; and (3) providing short-term treatment and rehabilitation service for juveniles.

(b) Each such facility shall be staffed by a superintendent and such other officers and employees considered necessary by the commissioner for the proper management and operation of the center. The commissioner shall appoint the superintendent of each regional facility and fix the superintendent’s compensation with the approval of the governor. Each superintendent shall appoint all other officers and employees for such regional facility, subject to the approval of the commissioner.

(c) The commissioner may adopt rules and regulations relating to the operation and management of any regional youth care facility established pursuant to the provisions of K.S.A. 75-7025 through 75-7028, and amendments thereto.

History: L. 1996, ch. 229, § 10; L. 1997, ch. 156, § 100; L. 2006, ch. 169, § 130; Jan. 1, 2007.

Revisor’s Note:

Section was amended twice in 2006 session, see also 75-7025a.

75-7025a. Regional youth care and rehabilitation facilities; establishment; purpose; staff; rules and regulations. [See Revisor’s Note] On and after July 1, 1997:

(a) The commissioner of juvenile justice may establish, maintain and improve throughout the state, within the limits of funds appropriated therefor and any grants or funds received from federal agencies and other sources, regional youth care, evaluation and rehabilitation facilities, not to exceed 10 in number, for the purpose of: (1) Providing local authorities with facilities for the detention and rehabilitation of juvenile offenders, including, but not limited to juvenile offenders who are 16 and 17 years of age; (2) providing local authorities with facilities for the temporary shelter and detention of juveniles pending any examination or study to be made of the juveniles or prior to the disposition of such juveniles pursuant to the revised Kansas code for care of children or the Kansas juvenile justice code; and (3) providing short-term treatment and rehabilitation service for juveniles.

(b) Each such facility shall be staffed by a superintendent and such other officers and employees considered necessary by the commissioner for the proper management and operation of the center. The commissioner shall appoint the superintendent of each regional facility and fix the superintendent’s compensation with the approval of the governor. Each superintendent shall appoint all other officers and employees for such regional facility, subject to the approval of the commissioner.

(c) The commissioner may adopt rules and regulations relating to the operation and management of any regional youth care facility established pursuant to the provisions of K.S.A. 75-7025 through 75-7028, and amendments thereto.

History: L. 1996, ch. 229, § 10; L. 1997, ch. 156, § 100; L. 2006, ch. 200, § 118; Jan. 1, 2007.

Revisor’s Note:

Section was amended twice in 2006 session, see also 75-7025.

75-7026. Supplemental youth care facilities for juvenile offenders; establishment and maintenance; rules and regulations. On and after July 1, 1997, within the limits of funds appropriated therefor and any grants or funds received from any agency of the United States government, and other

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sources, the commissioner of juvenile justice may establish, maintain and improve throughout the state supplemental youth care facilities for children who are juvenile offenders and who are confined in institutions, for the purpose of providing treatment and rehabilitation services for the children. All children placed in supplemental youth care facilities shall be subject to laws applicable to juvenile offenders who are placed in any other juvenile correctional facility, as defined by K.S.A. 2006 Supp. 38-2302, and amendments thereto. The commissioner may adopt rules and regulations relating to the operation and management of any supplemental youth care facility established pursuant to this section.

History: L. 1996, ch. 229, § 11; L. 1997, ch. 156, § 101; L. 2006, ch. 169, § 131; Jan. 1, 2007.

75-7027. Establishment of supplementary facilities to state institutions; application of laws and rules and regulations. On and after July 1, 1997, the commissioner may establish supplementary facilities as geographical extensions of any institution, which shall be operated in connection with and as a part of the institution, and all patients or persons placed or cared for in such supplementary facilities shall be admitted in accordance with the laws relating to the admission of patients or persons in such institution, and such patients or persons shall be subject to all laws and rules and regulations relating to such institution.

History: L. 1996, ch. 229, § 12; July 1.

Source or Prior Law:

75-3336.

75-7028. Establishment of residential care facilities for children at certain state institutions; supervision and administration; rules and regulations. On and after July 1, 1997:

(a) The commissioner of juvenile justice is hereby authorized and empowered to establish and maintain at any institution, as defined in K.S.A. 2006 Supp. 38-2302, and amendments thereto, residential care facilities for children and youth committed to the commissioner.

(b) Each residential care facility established under this section shall be under the supervision and administration of the commissioner. The commissioner shall appoint all employees of the residential care facility who shall be in the classified service under the Kansas civil service act.

(c) The commissioner is hereby authorized to adopt all necessary rules and regulations relating to the operation and management of any residential care facility established pursuant to the provisions of K.S.A. 75-7025 through 75-7028, and amendments thereto.

History: L. 1996, ch. 229, § 13; L. 1997, ch. 156, § 102; L. 2006, ch. 169, § 132; Jan. 1, 2007.

75-7029, 75-7030. Reserved.

75-7031. Severability clause. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

History: L. 1996, ch. 229, § 158; July 1.

75-7032. History: L. 1996, ch. 229, § 161; L. 1999, ch. 156, § 26; Repealed, L. 2004, ch. 46, § 1; July 1.

75-7033. Community planning teams; convener; facilitator; community representatives; community planning process; community juvenile justice program; accreditation thereof; creation of a juvenile justice community planning fund and a juvenile justice community initiative fund, moneys credited and expenditures. On and after July 1, 1997:

(a) In order to provide technical assistance to communities, help facilitate community collaboration and assist in coordinating a statewide system of community based service providers, pursuant to K.S.A. 75-7024, and amendments thereto, the commissioner of juvenile justice shall appoint a community planning team convener and a community planning team facilitator in each judicial district. The commissioner may appoint a convener and facilitator for a multiple district planning team, if, in the commissioner's opinion, such multiple district planning team best furthers the purposes of the juvenile justice reform act. The convener and facilitator may be compensated by the grant funds. Upon request of the board of county commissioners of any county, the commissioner of juvenile justice may authorize such county to cooperate as a member of a community planning team in a judicial district other than the judicial district in which such county is located. If the corporate limits of a city extend into more than one judicial district and upon request

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of the board of county commissioners of any county in which such city is located, the commissioner of juvenile justice may authorize such city to participate as a member of a community planning team of and be included in the plan for the judicial district in which the majority of the population of such city is located.

(b) The community planning team convener shall invite representatives from the following groups and agencies to be a part of the community planning team: The courts, court services, public education, juvenile community correctional services, the county or district attorney, the public defender's office or private defense counsel, law enforcement, juvenile detention, prevention services, health care professionals, mental health services, juvenile intake and assessment, municipal officials, county officials, private service providers, the department of social and rehabilitation services, the business community, the religious community, youth and such other representatives as the convener and commissioner deem necessary. The community planning team convener may invite the entire membership of the corrections advisory board, as established in K.S.A. 75-5297, and amendments thereto, and the juvenile corrections advisory board, as established by K.S.A. 75-7044, and amendments thereto, to be a part of the community planning team.

(c) The commissioner, or the commissioner's designee shall serve as an ex officio member of each community planning team.

(d) All proceedings of the community planning team and any committee or sub-committee of the team shall be open to the public in accordance with and subject to the provisions of K.S.A. 75-4317 to 75-4320, inclusive, and amendments thereto. The records of the community planning team shall be open to public inspection at all reasonable times.

(e) Between July 1, 1997, and June 30, 1999, the community planning team shall engage in strategic planning to develop programs, services and placement options as are necessary and appropriate for each judicial district's juvenile justice program consistent with planning guidelines developed by the commissioner. The commissioner shall design the planning process to empower communities to develop community-based programs, services and placements sufficient to address juvenile crime and to appropriately provide programs and services to prevent juvenile crime. The commissioner shall develop an action plan to guide implementation of

community planning. The action plan shall establish a schedule for the planning process and shall clearly state desired outcomes of the planning process. Before implementation of the community planning process, the commissioner shall submit the proposed action plan to the joint committee on corrections and juvenile justice oversight for review. The commissioner shall also provide such committee with regular progress reports on the status of the planning process. The primary purposes of the community planning process shall be to:

(1) Foster collaboration among stakeholders in the juvenile justice system;

(2) accurately assess community risk factors affecting juveniles;

(3) determine community priorities to respond to juvenile crime and the risk factors affecting juveniles;

(4) develop programs, services and placements, with sufficient capacity, to appropriately hold juvenile offenders in the community accountable for behavior which violates the law;

(5) provide communities with assistance in developing juvenile justice programs which respond to community needs and priorities and which are capable of achieving desired outcomes, and in identifying resources necessary to provide such programs;

(6) encourage the staffing of juvenile justice programs with appropriately trained personnel; and

(7) provide communities with technical assistance, as needed, to achieve desired planning outcomes.

(f) The commissioner shall provide training and expertise for communities during the strategic planning process of the community planning team.

(g) On July 1, 1999, each judicial district, multiple judicial district or judicial districts and cities and counties cooperating pursuant to subsection (a) shall have developed and be prepared to implement a juvenile justice program. On or before June 30, 1999, such program shall be accredited by the commissioner pursuant to rules and regulations adopted by the commissioner.

(h) Each juvenile justice program shall include, but not be limited to, local prevention services, juvenile intake and assessment, juvenile detention and attendant care, immediate intervention programs, aftercare services, graduated sanctions programs, probation programs, conditional release programs, sanctions for violations of probation terms or

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programs, sanctions for violations of conditional release programs and out-of-home placements.

(i) Each juvenile justice program shall demonstrate that in the judicial district is a continuum of community based placement options with sufficient capacity to accommodate community needs.

(j) Each juvenile justice program shall participate in the juvenile justice information system, intake and assessment system and the utilization of a standardized risk assessment data.

(k) (1) There is hereby created in the state treasury a juvenile justice community planning fund. Money credited to the fund shall be used solely for the purpose of making grants to community planning teams, as established in this section, to assist with the community planning process of determining juvenile justice programs for the judicial district.

(2) All expenditures from the juvenile justice community planning fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(3) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the juvenile justice community planning fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the juvenile justice community planning fund.

(4) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the juvenile justice community planning fund interest earnings based on:

(A) The average daily balance of moneys in the juvenile justice community planning fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(l) (1) There is hereby created in the state treasury a juvenile justice community initiative fund. Money credited to the fund shall be used solely for the purpose of making grants to communities to assist in supporting field services, case management services

and juvenile justice programs, services and placements in the judicial district.

(2) All expenditures from the juvenile justice community initiative fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(3) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the juvenile justice community initiative fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the juvenile justice community initiative fund.

(4) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the juvenile justice community initiative fund interest earnings based on:

(A) The average daily balance of moneys in the juvenile justice community initiative fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

History: L. 1997, ch. 156, § 1; L. 2001, ch. 5, § 411, July 1.

Law Review and Bar Journal References:

"Justice and Juveniles in Kansas: Where We Have Been and Where We Are Headed," Carla J. Stovall, 47 K.L.R. 1021 (1999).

Attorney General's Opinions:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7034. Juvenile community correctional services; transfer of powers, duties and functions from DOC to JJA; successor thereto; rules and regulations; title to property. On and after July 1, 1997:

(a) Except as otherwise provided by K.S.A. 75-7034 through 75-7037, and amendments thereto, all of the powers, duties and functions of the department of corrections and the secretary of corrections concerning juvenile community correctional services are hereby transferred to and conferred and imposed upon the juvenile justice authority and the commissioner of juvenile justice

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established by K.S.A. 75-7001, and amendments thereto.

(b) Except as otherwise provided by K.S.A. 75-7034 through 75-7037, and amendments thereto, the juvenile justice authority and the commissioner of juvenile justice shall be the successor in every way to the powers, duties and functions of the department of corrections and the secretary of corrections concerning juvenile community correctional services in which the same were vested prior to the effective date of this section. Every act performed in the exercise of such powers, duties and functions by or under the authority of the juvenile justice authority or the commissioner of juvenile justice concerning juvenile community correctional services established by K.S.A. 75-7034 through 75-7037, and amendments thereto, shall be deemed to have the same force and effect as if performed by the department of corrections or the secretary of corrections, respectively, in which such powers, duties and functions were vested prior to the effective date of this section.

(c) Except as otherwise provided by K.S.A. 75-7034 through 75-7037, and amendments thereto, whenever the department of corrections, or words of like effect concerning juvenile community correctional services, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the juvenile justice authority.

(d) Except as otherwise provided by K.S.A. 75-7034 through 75-7037, and amendments thereto, whenever the secretary of corrections, or words of like effect concerning juvenile community correctional services, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the commissioner of juvenile justice.

(e) All rules and regulations of the department of corrections or the secretary of corrections concerning juvenile community correctional services in existence on the effective date of this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the commissioner of juvenile justice until revised, amended, revoked or nullified pursuant to law.

(f) All orders and directives of the department of corrections or the secretary of corrections concerning juvenile community correctional services in existence on the effective date of this section shall continue to be effective and shall be deemed to be

orders and directives of the juvenile justice authority until revised, amended or nullified pursuant to law.

(g) On the effective date of this section, the juvenile justice authority shall succeed to whatever right, title or interest the department of corrections has acquired in any real property concerning juvenile community correctional services in this state, and the authority shall hold the same for and in the name of the state of Kansas. On and after the effective date of this section, whenever any statute, contract, deed or other document concerns the power or authority of the department of corrections or the secretary of corrections concerning juvenile community correctional services to acquire, hold or dispose of real property or any interest therein, the juvenile justice authority shall succeed to such power or authority.

(h) The juvenile justice authority and the commissioner of juvenile justice shall be continuations of the department of corrections and the secretary of corrections concerning juvenile community correctional services.

History: L. 1997, ch. 156, § 3; May 22.

75-7035. Same; conflicts as to power function or duty to be resolved by governor. On and after July 1, 1997:

(a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of K.S.A. 75-7034 through 75-7037, and amendments thereto, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The juvenile justice authority shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the juvenile justice authority. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

History: L. 1997, ch. 156, § 4; May 22.

75-7036. Same; legal custody of records transferred; no abatement of suits, actions or proceedings. On and after July 1, 1997:

(a) The juvenile justice authority shall have the legal custody of all records, memoranda, writings,

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entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the department of corrections concerning juvenile community correctional services and any agency or office transferred thereto under K.S.A. 75-7034 through 75-7037, and amendments thereto.

(b) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in K.S.A. 75-7034 through 75-7037, and amendments thereto, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of K.S.A. 75-7034 through 75-7037, and amendments thereto. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of K.S.A. 75-7034 through 75-7037, and amendments thereto.

History: L. 1997, ch. 156, § 5; May 22.

75-7037. Same; balance of funds and liabilities transferred. (a) On and after July 1, 1997, the balance of all funds appropriated and reappropriated to the department of corrections concerning juvenile community correctional services is hereby transferred to the juvenile justice authority and shall be used only for the purpose for which the appropriation was originally made.

(b) On and after July 1, 1997, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the department of corrections concerning juvenile community correctional services, or who become a part of the juvenile justice authority, or the powers, duties and functions of which are transferred to the juvenile justice authority provided for by K.S.A. 75-7034 through 75-7037, and amendments thereto, shall be assumed and paid by the juvenile justice authority.

History: L. 1997, ch. 156, § 6; May 22.

75-7038. Grants to counties for juvenile community correctional services. The commissioner of juvenile justice may make grants to counties for the development, implementation,

operation and improvement of juvenile community correctional services including, but not limited to, restitution programs, victim services programs, balanced and restorative justice programs, preventive or diversionary correctional programs, programs to reduce racial, geographic and other biases that may exist in the juvenile justice system; and community juvenile corrections centers and facilities for the detention or confinement, care or treatment of juveniles being detained or adjudged to be a juvenile offender.

History: L. 1997, ch. 156, § 7; L. 2006, ch. 163, § 2; July 1.

Law Review and Bar Journal References:

"Justice and Juveniles in Kansas: Where We Have Been and Where We Are Headed," Carla J. Stovall, 47 K.L.R. 1021 (1999).

Attorney General's Opinions:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7039. Same; qualifications; powers of county commissioners preserved; cooperative agreements. On and after July 1, 1997:

(a) Subject to the other provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto, each county may qualify to receive grants under K.S.A. 75-7038 through 75-7053, and amendments thereto, by complying with the provisions of K.S.A. 75-7052, and amendments thereto.

(b) Subject to the requirements of centralized administration and control of correctional services under K.S.A. 75-7052, and amendments thereto, and the provisions of agreements between cooperating counties under subsection (c), the respective board of county commissioners shall retain all authority for the expenditure of moneys, including grants received under K.S.A. 75-7038 through 75-7053, and amendments thereto, and for the implementation of and the operations under the comprehensive plan approved by the commissioner of juvenile justice. The comprehensive plan shall be reviewed and approved by the board of county commissioners of each county to which the plan pertains prior to submission to the commissioner of juvenile justice for approval.

(c) The boards of county commissioners of all counties cooperating together to establish a juvenile corrections advisory board and to adopt a comprehensive plan pursuant to K.S.A. 75-7038 through 75-7053, and amendments thereto, may enter into cooperative agreements to qualify their respective counties for grants under K.S.A. 75-7038 through 75-7053, and amendments thereto. Such

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counties shall cooperate and enter into such agreements for all purposes of K.S.A. 75-7038 through 75-7053, and amendments thereto, in the manner prescribed by K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto.

History: L. 1997, ch. 156, § 8; May 22.

75-7040. Financial aid for expenses of corrections advisory boards of county or group of cooperating counties without an approved plan. On and after July 1, 1997, in order to assist a county or group of cooperating counties which has established a juvenile corrections advisory board but which does not have a comprehensive plan which has been approved by the commissioner of juvenile justice and which requires financial aid to defray all or part of the expenses incurred by juvenile corrections advisory board members in discharging their official duties pursuant to K.S.A. 75-7047, and amendments thereto, the commissioner of juvenile justice, upon receipt of resolutions by the board or boards of county commissioners, or the administrative authority established by cooperating counties, certifying the need for and inability to pay such expenses, shall pay monthly to the county or counties an amount determined by the commissioner based on existing experience of other juvenile corrections advisory boards.

History: L. 1997, ch. 156, § 9; May 22.

75-7041. Assistance to counties and advisory boards by commissioner of juvenile justice; administration; rules and regulations. On and after July 1, 1997:

(a) In accordance with K.S.A. 77-415 et seq., and amendments thereto, the commissioner of juvenile justice shall adopt rules and regulations necessary for the implementation and administration of K.S.A. 75-7038 through 75-7053, and amendments thereto, and as prescribed by those sections. The commissioner of juvenile justice shall provide consultation and technical assistance to counties and juvenile corrections advisory boards to aid them in the development of comprehensive plans under K.S.A. 75-7038 through 75-7053, and amendments thereto.

(b) K.S.A. 75-7038 through 75-7053, and amendments thereto, shall be administered by the commissioner of juvenile justice or by officers and

employees of the juvenile justice authority designated by the commissioner to the extent that authority to do so is delegated by the commissioner, except that the authority to adopt rules and regulations under K.S.A. 75-7038 through 75-7053, and amendments thereto, shall not be delegated.

History: L. 1997, ch. 156, § 10; May 22.

75-7042. Powers of counties or groups of counties. On and after July 1, 1997, for the purposes of K.S.A. 75-7038 through 75-7053, and amendments thereto, and to provide for the correctional services described in K.S.A. 75-7038, and amendments thereto, a county or group of cooperating counties, through their boards of county commissioners, or administrative bodies established by cooperating counties, may:

(a) Acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incidental to such purposes;

(b) enter into contracts, which are necessary and incidental to such purposes;

(c) determine and establish the administrative structure best suited to the efficient administration and delivery of such correctional services;

(d) employ a director and such other officers, employees, and agents as deemed necessary to carry out the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto;

(e) make grants in accordance with the comprehensive plan of funds provided by grant payments under K.S.A. 75-7050, and amendments thereto, to corporations organized not for profit, for development, operation and improvement of such correctional services; and

(f) use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for, accept and expend federal funds.

History: L. 1997, ch. 156, § 11; May 22.

Attorney General's Opinions:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7043. Comprehensive plans for correctional services, approval prerequisite for grants; additional requirements; operating standards; annual review; suspension of grants, procedures.

(a) Except as provided in K.S.A. 75-7040, and amendments thereto, no county shall be qualified to receive grants under K.S.A. 75-7038 through 75-7053, and amendments thereto, unless and until the

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comprehensive plan for such county, or the group of counties with which such county is cooperating, is approved by the commissioner of juvenile justice.

(b) The commissioner of juvenile justice shall adopt rules and regulations establishing additional requirements for receipt of grants under K.S.A. 75-7038 through 75-7053, and amendments thereto, standards for the operation of the correctional services described in K.S.A. 75-7038, and amendments thereto, and standards for performance evaluation of the correctional services described in K.S.A. 75-7038, and amendments thereto. In order to remain eligible for grants the county or group of cooperating counties shall substantially comply with the operating standards established by the commissioner of juvenile justice.

(c) The commissioner of juvenile justice shall review annually the comprehensive plans submitted by a county or group of cooperating counties and the facilities and programs operated under such plans. The commissioner of juvenile justice is authorized to examine books, records, facilities and programs for purposes of recommending needed changes or improvements.

(d) In reviewing the comprehensive plan or any annual recommendations or revisions thereto, the commissioner of juvenile justice shall limit the scope of the review of the juvenile corrections advisory board's statement of priorities, needs, budget, policies and procedures, to the determination that such statement does not directly conflict with rules and regulations and operating standards adopted pursuant to subsection (b) and K.S.A. 75-7038 through 75-7053, and amendments thereto, and includes provisions to address racial, geographic and other biases that may exist in the juvenile justice system.

(e) When the commissioner of juvenile justice determines that there are reasonable grounds to believe that a county or group of cooperating counties is not in substantial compliance with the minimum operating standards adopted pursuant to this section, at least 30 days' notice shall be given the county or to each county in the group of cooperating counties and a hearing shall be held in accordance with the provisions of the Kansas administrative procedure act to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. If the commissioner of juvenile justice determines at such hearing that there is not substantial compliance or

satisfactory progress being made toward compliance, the commissioner of juvenile justice may suspend all or a portion of any grant under K.S.A. 75-7038 through 75-7053, and amendments thereto, until the required standards of operation have been met.

History: L. 1997, ch. 156, § 12; L. 2006, ch. 163, § 3; July 1.

75-7044. Juvenile corrections advisory boards; membership, qualifications, appointment; alternative membership, qualifications and appointment provisions for cooperating counties; use of adult corrections advisory board, when.

(a) Subject to the other provisions of this section, each juvenile corrections advisory board established under K.S.A. 75-7038 through 75-7053, and amendments thereto, shall consist of 12 or more members who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public and shall be appointed as follows:

(1) The law enforcement representatives shall be:

(A) The sheriff or, if two or more counties are cooperating, the sheriff selected by the sheriffs of those counties, or the designee of that sheriff; and

(B) the chief of police of the city with the largest population at the time the board is established or, if two or more counties are cooperating, the chief of police selected by the chiefs of police of each city with the largest population in each county at the time the board is established, or the designee of that chief of police, except that for purposes of this paragraph in the case of a county having consolidated law enforcement and not having a sheriff or any chiefs of police, "sheriff" means the law enforcement director and "chief of police of the city with the largest population" or "chief of police" means a law enforcement officer, other than the law enforcement director, appointed by the county law enforcement agency for the purposes of this section;

(2) the prosecution representative shall be the county or district attorney or, if two or more counties are cooperating, a county or district attorney selected by the county and district attorneys of those counties, or the designee of that county or district attorney;

(3) the judiciary representative shall be the judge of the district court of the judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall

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appoint one of the judges who is assigned the juvenile court docket, containing the county or group of counties or, if two or more counties in two or more judicial districts are cooperating, the judge of each such judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one of the judges who is assigned the juvenile court docket;

(4) the education representative shall be an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by the boards of county commissioners of those counties;

(5) a court services officer designated by the judge of the district court of the judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one of the judges who is assigned the juvenile court docket, containing the county or group of counties or, if counties in two or more judicial districts are cooperating, a court services officer designated by the judges of those judicial districts, who are assigned the juvenile court docket or the judges who are assigned most juvenile court cases;

(6) an executive director of the community mental health center or such director's designee or in the absence of such position, the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint a representative of mental health service providers for juveniles in such county or counties;

(7) the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint at least three and no more than six additional members of the juvenile corrections advisory board or, if necessary, additional members so that each county which is not otherwise represented on the board is represented by at least one member of such board; and

(8) three members of the juvenile corrections advisory board shall be appointed by cities located

within the county or group of cooperating counties as follows:

(A) If there are three or more cities of the first class, the governing body of each of the three cities of the first class having the largest populations shall each appoint one member;

(B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member;

(C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and

(D) if there are no cities of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.

(b) If possible, of the members appointed by the boards of county commissioners in accordance with subsection (a)(7) and by the governing bodies of cities in accordance with subsection (a)(8), members shall be representative of one or more of the following:

(1) Public or private social service agencies;

(2) ex-offenders;

(3) the health care professions; and

(4) the general public.

(c) At least two members of each juvenile corrections advisory board shall be representative of ethnic minorities and no more than 2/3 of the members of each board shall be members of the same gender.

(d) In lieu of the provisions of subsections (a) through (c), a group of cooperating counties as provided in subsection (a)(2) of K.S.A. 75-7052, and amendments thereto, may establish a juvenile corrections advisory board which such board's membership shall be determined by such group of counties through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto, except that if two or more counties in two or more judicial districts are cooperating, the administrative judge of each such judicial district, or a judge of the district court designated by each such administrative judge shall be a member of such board. In determining the membership of the juvenile corrections advisory board pursuant to this subsection, such group of counties shall appoint

members who are representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public. Any juvenile corrections advisory board established and the membership determined pursuant to this subsection shall be subject to the approval of the commissioner of juvenile justice.

(e) In lieu of the provisions of subsections (a) through (d) and subject to the approval of the commissioner of juvenile justice, any county may designate the corrections advisory board, as established in K.S.A. 75-5297, and amendments thereto, as such county's juvenile corrections advisory board. For the purposes of K.S.A. 75-7038 through 75-7053, and amendments thereto, if a county designates the corrections advisory board as provided by this subsection, membership on such board shall be expanded to comply with the requirements of subsection (a).

History: L. 1997, ch. 156, § 13; L. 2003, ch. 26, § 1; July 1.

Attorney General's Opinions:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7045. Same; terms; vacancies; officers; open proceedings; rules. On and after July 1, 1997:

(a) Members of a juvenile corrections advisory board initially appointed pursuant to subsections (a)(1) through (a)(4) of K.S.A. 75-7044, and amendments thereto, shall serve for terms expiring on June 30, 2000. Members of a juvenile corrections advisory board initially appointed pursuant to subsections (a)(5) and (a)(7) of K.S.A. 75-7044, and amendments thereto, shall serve for terms expiring on June 30, 1999. Members of a juvenile corrections advisory board initially appointed pursuant to subsections (a)(6) and (a)(8) of K.S.A. 75-7044, and amendments thereto, of[*] shall serve for terms expiring on June 30, 1998. After such initial appointments, members shall serve for terms of three years and until their successors are appointed and qualified. All vacancies in a juvenile corrections advisory board shall be filled for the unexpired term in the manner that the position was originally filled. Each juvenile corrections advisory board shall elect its own officers.

(b) All proceedings of the juvenile corrections advisory board and any committee or subcommittee of the board shall be open to the public in accordance with and subject to the provisions of K.S.A. 75-4317 to 75-4320, inclusive, and amendments thereto. All votes of members of the

juvenile corrections advisory board shall be recorded and shall become matters of public record.

(c) The juvenile corrections advisory board shall promulgate and implement rules concerning the conduct of proceedings and attendance of members at board meetings.

History: L. 1997, ch. 156, § 14; May 22.

*Apparently, "of" should have been stricken.

Attorney General's Opinions:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7046. Same; participation in formulating comprehensive plans; inclusion of provisions addressing system biases. Juvenile corrections advisory boards established under the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto, shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, in the county or group of cooperating counties, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation and operation during the ensuing year. The formal recommendation concerning the comprehensive plan shall include provisions to address racial, geographic and other biases that may exist in the juvenile justice system.

History: L. 1997, ch. 156, § 15; L. 2006, ch. 163, § 4; July 1.

Attorney General's Opinions:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7047. Purchase of juvenile correctional services from state under comprehensive plans; determination of costs, grant deductions. On and after July 1, 1997, any comprehensive plan submitted pursuant to K.S.A. 75-7038 through 75-7053, and amendments thereto, may include the purchase of selected juvenile correctional services by contract, including the purchase of services for the temporary detention and confinement of juvenile offenders. The commissioner of juvenile justice shall annually determine the costs of the purchase of services under this section and deduct them from the grant payable to the county or, in the case of cooperating counties, the grants payable to the counties. In no case shall the charges for juvenile correctional services under such contract with the

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state exceed in cost the amount of the grant the county is eligible for or, in the case of cooperating counties, the total amount of the grants the counties are eligible to receive under K.S.A. 75-7038 through 75-7053, and amendments thereto.

History: L. 1997, ch. 156, § 16; May 22.

75-7048. Comprehensive plans for juvenile correctional services; requirements; new program proposals. (a) The comprehensive plan submitted to the commissioner of juvenile justice for approval shall include those items prescribed by rules and regulations adopted by the commissioner, which may require the inclusion of the following:

(1) A program for the detention, supervision and treatment of persons under pretrial detention or under commitment;

(2) delivery of other correctional services defined in K.S.A. 75-7038, and amendments thereto; and

(3) proposals for new facilities, programs and services, which proposals must include a statement of the need, purposes and objectives of the proposal and the administrative structure, staffing pattern, staff training, financing, degree of community involvement and client participation which are planned for the proposal.

(b) The comprehensive plan submitted to the commissioner of juvenile justice for approval shall also include provisions to address racial, geographic and other biases that may exist in the juvenile justice system.

(c) In addition to the foregoing requirements made by this section, each county or group of counties shall be required to develop and implement a procedure for the review by the juvenile corrections advisory board and the board or boards of county commissioners of new program applications and other matters proposed to be included under the comprehensive plan and for the manner in which juvenile corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

History: L. 1997, ch. 156, § 17; L. 2006, ch. 163, § 5; July 1.

75-7049. Grants; expenditures; reductions; transfers to other counties. On and after July 1, 1997:

(a) Except as provided in K.S.A. 75-7040, and amendments thereto, each grant under K.S.A. 75-7038 through 75-7053, and amendments thereto, shall be expended by the county receiving it for

juvenile community correctional services as described in K.S.A. 75-7038, and amendments thereto, in addition to the amount required to be expended by such county under this section. Each calendar year in which a county receives grant payments under K.S.A. 75-7050, and amendments thereto, the county shall make expenditures for correctional services as described in K.S.A. 75-7038, and amendments thereto, from any funds other than from grants under K.S.A. 75-7038 through 75-7053, and amendments thereto, in an amount equal to or exceeding the amount of base year juvenile corrections expenditures as determined by the commissioner of juvenile justice.

(b) The commissioner of juvenile justice shall audit and determine the amount of the expenditures for juvenile correctional services as described in K.S.A. 75-7038, and amendments thereto, of each county applying for a grant as provided in K.S.A. 7053, and amendments thereto.

(c) In any case where a county receiving a grant does not make expenditures for juvenile correctional services from funds other than from grants under K.S.A. 75-7038 through 75-7053, and amendments thereto, as required by this section, the grant to such county for the next ensuing calendar year shall be reduced by an amount equal to the amount by which such county failed to make such required amount of expenditures.

(d) The commissioner of juvenile justice may provide, by rules and regulations, procedures for the following, as determined by the commissioner to further the purposes of K.S.A. 75-7038 through 75-7053, and amendments thereto:

(1) The transfer, to one or more other counties, of any portion of a county's annual grant which is not included in such county's program budget for the current program year; and

(2) the transfer, to one or more other counties, of any portion of a county's annual grant which remains unused at the end of such county's program year and is not included in such county's program budget for the ensuing program year.

(e) Except as otherwise provided pursuant to subsection (d), if a county does not expend the full amount of the grant received for any one year under the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto, the county shall retain the unexpended amount of the grant for expenditure for juvenile correctional services as described in K.S.A. 75-7038, and amendments thereto, during any

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ensuing calendar year. The commissioner of juvenile justice shall reduce the grant for the ensuing calendar year by an amount equal to the amount of the previous year's grant which was not expended and was retained by the county, unless the commissioner finds that the amount so retained is needed for and will be expended during the ensuing calendar year for expenditures under the applicable comprehensive plan.

History: L. 1997, ch. 156, § 18; May 22.

75-7050. Quarterly grant payments; certified expenditure statements by counties. (a) Upon compliance by a county or group of counties with the requirements for receipt of the grants authorized by K.S.A. 75-7038 through 75-7053, and amendments thereto, and approval of the comprehensive plan by the commissioner of juvenile justice and the Kansas advisory group on juvenile justice and delinquency prevention, the commissioner shall determine the amount of the annual grant to each such county and, commencing on the next ensuing January 1 or July 1 after approval of the comprehensive plan, shall proceed to pay such grant in equal quarterly payments in accordance with and subject to K.S.A. 75-7038 through 75-7053, and amendments thereto, applicable rules and regulations, and the provisions of appropriation acts.

(b) Within 10 days after the end of each calendar quarter, each county receiving quarterly grant payments under K.S.A. 75-7038 through 75-7053, and amendments thereto, shall submit to the commissioner of juvenile justice certified statements detailing the amounts expended and costs incurred for the juvenile correctional services described in K.S.A. 75-7038, and amendments thereto. Upon receipt of such certified statements, the commissioner shall determine whether each such county is in compliance with the expenditure and operation standards prescribed under K.S.A. 75-7038 through 75-7053, and amendments thereto, for such services and shall determine the quarterly payment amount each such county is entitled to receive after making any adjustments for reductions or charges as required by or in accordance with K.S.A. 75-7038 through 75-7053, and amendments thereto, and applicable rules and regulations.

(c) Quarterly grant payments for counties entitled thereto under K.S.A. 75-7038 through 75-7053, and amendments thereto, shall be made upon warrants of

the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner to the county treasurers of such counties.

History: L. 1997, ch. 156, § 19; L. 2003, ch. 23, § 1, July 1.

75-7051. State and county may purchase juvenile correctional services from grant-receiving counties. On and after July 1, 1997:

(a) The commissioner of juvenile justice may contract for any juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, from any county or group of cooperating counties which are receiving grants under K.S.A. 75-7038 through 75-7053, and amendments thereto.

(b) Any county may contract for any juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, from any county or group of cooperating counties which are receiving grants under K.S.A. 75-7038 through 75-7053, and amendments thereto, regardless of whether such county or group of counties is in the same judicial district as the county contracting for such services.

History: L. 1997, ch. 156, § 20; May 22.

75-7052. Required participation by counties in juvenile community corrections; options; administrative judge, recommendations. On and after July 1, 1997:

(a) Before July 1, 1999, each county in this state, based on the recommendation from the administrative judge of the judicial district in which each such county is located as provided in subsection (b), shall have:

(1) Established a juvenile corrections advisory board in accordance with K.S.A. 75-7044, and amendments thereto, and adopted a comprehensive plan for the development, implementation, operation and improvement of the juvenile correctional services described in K.S.A. 75-7038, and amendments thereto which has been approved by the commissioner of juvenile justice and which, in addition to such matters as are prescribed by rules and regulations of the commissioner, provides for centralized administration and control of the juvenile correctional services under such plan;

(2) entered into an agreement with a group of cooperating counties to establish a regional or multi-county community juvenile correctional services program; established a juvenile corrections advisory board in accordance with K.S.A. 75-7044, and

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amendments thereto; and adopted a comprehensive plan for the development, implementation, operation and improvement of the juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, which has been approved by the commissioner of juvenile justice and which, in addition to such matters as are prescribed by rules and regulations of the commissioner, provides for centralized administration and control of the juvenile correctional services under such plan. Such group of counties may comply with the provisions of this subsection through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto; or

(3) contracted for juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, from any county or group of cooperating counties, as provided in K.S.A. 75-7051, and amendments thereto, which are receiving grants under K.S.A. 75-7038 through 75-7053, and amendments thereto.

(b) Before September 15, 1998, the administrative judge in each judicial district shall make a recommendation to the board of county commissioners in each county in such judicial district which has not established a program to provide for the juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, as to which option provided in subsection (a) each such county in such judicial district should choose to comply with the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto.

History: L. 1997, ch. 156, § 21; May 22.

Attorney General's Opinion:

Judicial District Corrections Advisory Board is governmental entity for purposes of Kansas tort claims act. 2000-3.

75-7053. Grants; annual determination; criteria based on measurable performances. On and after July 1, 1997:

(a) On or before each March 15, each county or group of counties applying to receive a grant shall submit a budget request to the commissioner. On or before each July 1, the commissioner of juvenile justice and the Kansas advisory group on juvenile justice and delinquency prevention shall determine annually the amount of the grant for the ensuing fiscal year for each county or group of counties

which has qualified to receive grants as provided in this section.

(b) The determination of the grant of a county or group of counties by the commissioner shall consider, but not be limited to, the following criteria based on measurable performances: staffing levels justified by active cases under supervision; one-time expenditures such as renovation or construction costs, major equipment purchases or capital acquisitions; administrative costs; funded contracts for services; client numbers; caseload projections; travel costs outside the program area; and existing experience of similar programs.

History: L. 1997, ch. 156, § 22; May 22.

75-7054. Employees appointed by the commissioner; unclassified. The commissioner of juvenile justice may appoint deputy commissioners and assistant commissioners as determined necessary by the commissioner to carry out the mission of the authority. All deputy commissioners and assistant commissioners shall serve at the pleasure of the commissioner, shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the commissioner and approved by the governor. The commissioner may appoint a public information officer, a chief attorney, other attorneys, and a personal secretary for the juvenile justice authority. These employees shall serve at the pleasure of the commissioner, shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the commissioner and approved by the governor. Unless otherwise designated, all other employees of the juvenile justice authority shall be in the classified service.

History: L. 1998, ch. 187, § 1; July 1.

75-7055. Juvenile corrections officers, requirements. All juvenile corrections officers and those employees within the juvenile corrections officer series first employed on and after July 1, 2000, shall be required to be at least 21 years of age, shall possess no felony convictions, and shall meet such physical agility requirements as set by the commissioner.

History: L. 2000, ch 150, § 35; June 1.

75-7056. Community graduated sanctions and prevention programs; community advisory committee, members, duties, participation in budgetary process. (a) In order to establish a

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mechanism for community prevention and graduated sanctions service providers to participate in the juvenile justice authority annual budget planning process, the commissioner of the juvenile justice authority shall establish a community advisory committee to identify new or enhanced community graduated sanctions and prevention programs.

(b) Such advisory committee shall consist of 10 members. The commissioner shall appoint eight members from the four geographical regions of the state as described in this subsection with one member from each region representing prevention programs and one member representing graduated sanctions programs. The four regions shall correspond to the southeast community corrections association region, the northeast community corrections association region, the central community corrections association region and the western community corrections association region. The commissioner shall appoint two community corrections association members from the state at large. The committee shall reflect the diversity of juvenile offender community services with respect to geographical location and average daily population of offenders under supervision.

(c) Each member shall be appointed for a term of three years, except that the terms of the initial appointments shall be staggered as determined by the commissioner. Each member shall continue in such capacity until a successor is appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(d) (1) The committee, in cooperation with the commissioner or the commissioner's designee, shall routinely examine and report to the commissioner on the following issues: (A) Efficiencies in the delivery of community supervision services including prevention and graduated sanction programs;

(B) effectiveness and enhancement of existing prevention and interventions and graduated sanctions;

(C) identification of new interventions; and

(D) effectiveness of juvenile justice prevention, intervention and graduated sanctions programs in reducing racial, geographic and other biases that may exist in the juvenile justice system.

(2) Such report shall address measurable goals and objectives, projected costs, the impact on public safety and the valuation process.

(e) The advisory committee shall submit its report to the commissioner annually on or before July 15 in

order for the enhanced or new interventions to be considered for inclusion within the juvenile justice authority's budget request for local and community services or in the juvenile justice authority's enhanced services budget request for the subsequent fiscal year.

History: L. 2003, ch. 37, § 1; L. 2006, ch. 163, § 6; July 1.